

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF CALIFORNIA;
COMMONWEALTH OF
MASSACHUSETTS; STATE OF NEW
JERSEY; STATE OF COLORADO; STATE
OF ILLINOIS; STATE OF MARYLAND;
STATE OF NEW YORK; and STATE OF
WISCONSIN,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION;
DENISE CARTER, in her official capacity as
former Acting Secretary of Education and
current acting Chief Operating Officer, Federal
Student Aid; LINDA MCMAHON, in her
official capacity as Secretary of Education,

Defendants.

Case No. 1:25-cv-10548

**PLAINTIFFS' SUPPLEMENT IN SUPPORT OF
REQUEST FOR PRODUCTION OF ADMINISTRATIVE RECORD**

As set forth in the Parties' prior submission (Doc. No. 93), Plaintiff States continue to believe that prompt production of the administrative record in this matter is critical to resolving the jurisdictional arguments raised by Defendants' Motion to Dismiss (Doc. No. 101). The Court previously indicated it would revisit this issue after the Motion to Dismiss was filed. *See* Doc. No. 94. The contents of the Motion only reaffirm Plaintiff States' belief that production of the administrative record on an expedited basis is warranted. *See, e.g.*, Doc. No. 102 at 4 (acknowledging February 5, 2025 agency directive issued by Defendant Carter to eliminate grants that engage in "DEI" that is "contrary ... to the Department's policy objectives," where

grants at issue were terminated in furtherance of that directive). The administrative record will elucidate the nature of the unlawful agency action at issue here and demonstrate the extent to which this case turns on that action, rather than the grant agreements themselves as Defendants argue.

Furthermore, Defendants have since agreed to produce the administrative record by May 19, 2025, in the parallel action, *Am. Ass'n of Colleges for Tchr. Educ. v. McMahon* (“*AACTE*”), No. 1:25-CV-00702-JRR, (D. Md.), Doc. No. 55 (attached hereto as Ex. A). It would pose no additional burden on Defendants to produce the identical record in this action by the same date that they have already committed to doing so in the *AACTE* case. This fact further counsels in favor of ordering production of the administrative record in this case by the same date, May 19, 2025.

For these reasons, this Court should now order production of the administrative record without delay and no later than May 19, 2025.¹

¹ Plaintiffs conferred with counsel for Defendants by phone on May 13, 2025, regarding production of the administrative record. Defendants maintain their position that production of the administrative record is unnecessary for disposition of the Motion to Dismiss and reserve their right to file a further supplement in support of their position.

Dated: May 14, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

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Dated: May 14, 2025